

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FARAH JEAN FRANCOIS,

Case No.: 1:22-cv-4447-JSR

Plaintiff,

-against-

**SPARTAN AUTO GROUP LLC d/b/a
VICTORY MITSUBISHI,
STAVROS ORSARIS,
YESSICA VALLEJO, and
DAVID PEREZ,**

Defendants.

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Declaration of Carolyn E. Coffey

CAROLYN E. COFFEY, an attorney admitted in the United States District Court for the Southern District of New York and in the Courts of the State of New York, declares as true under penalty of perjury pursuant to 28 U.S.C. § 1746 that:

1. I was admitted to practice in the Courts of the State of New York in 2005.
2. I am currently the Director of Litigation for Economic Justice at Mobilization for Justice, Inc. ("MFJ"), a nonprofit legal services organization that serves New York City.
3. As Director of Litigation for Economic Justice, I oversee MFJ's Consumer Rights, Low-Income Bankruptcy, Workplace Justice, Foreclosure Prevention, Driver Protection, and Low-Income Taxpayer projects. In addition to my supervisory duties, I represent clients in consumer law matters in both state and federal courts in New York City.
4. I joined MFJ as a staff attorney in 2006, after being employed as a law clerk to the Hon. Deborah A. Batts of the United States District Court for the Southern District of New York from 2004 to 2006.

5. I am experienced in trial and appellate court litigation and have authored and co-authored amicus briefs pertaining to consumer and bankruptcy law, including *Kuhne v. Cohen & Slamowitz*, 08CV1669 (2d Cir.); *In Re Mary Veronica Santiago-Monteverde*, 12CV4131 (2d Cir.); *Berman v. City of New York*, 13CV598 (2d. Cir.); *Otoe-Missouria v. NYS Department of Financial Services*, 13- 3769 (2d Cir.); *Berman v. City of New York*, CTQ-2014-00007 (NY Court of Appeals); *Arias v. Gutman, Mintz, Baker & Sonnenfeldt, P.C. et al.*, 16CV2165 (2d Cir.); and *Upsolve v. James*, 22CV1345 (2d Cir.).

6. I have represented consumers in cases alleging violations of federal consumer protection statutes, including: *Dubois v. Cohen & Slamowitz*, 07CV7739 (S.D.N.Y.); *Vassalle v. Midland Funding LLC*, 11CV3961 (N.D. Ohio, Western Division) (representing two New York objectors to a nationwide FDCPA class action settlement) and *Vassalle v. Midland Funding, LLC*, 11CV3814 (6th Cir.) (representing same objectors on appeal to the Sixth Circuit, which reversed district court's approval of settlement, 708 F.3d 747 (6th Cir. 2013)); *Sykes v. Mel S. Harris*, 09CV8486 (S.D.N.Y.); *Wang v. 7 Rivington St., LLC*, 14CV4083 (SDNY); *Tuhin v. New York Motor Group*, 13CV5643 (E.D.N.Y.); *Paez v. Atlantic Asset Recovery*, 14CV5420 (S.D.N.Y.); *Cowans v. Forster & Garbus*, 14CV7740 (S.D.N.Y.); *Johnson v. TD Bank, N.A.*, 19CV03433 (S.D.N.Y.); *Urena v. Lawrence J. Silberman*, 18CV01032 (S.D.N.Y.); *Watt v. Bank of America*, 23CV00233 (E.D.N.Y.); and *Das v. JPMorgan Chase Bank, N.A.*, 23CV11091 (S.D.N.Y.).

7. In several of my cases, I have co-counseled or otherwise collaborated with members of the private consumer protection bar in New York City.

8. I am a member of the National Association of Consumer Advocates ("NACA"), which is professional association comprised of private, non-profit, and government lawyers who

represent the interests of consumers. I was previously co-chair of NACA's board of directors and currently serve on NACA's Nominations Committee.

9. From 2009 to 2014, I served on the Civil Court Committee of the Association of the Bar of the City of New York.

10. I currently co-chair the New York Consumer Advocates Task Force, which is comprised of both non-profit and private attorneys who represent the interests of consumers.

11. I have testified about debt-collection abuse before the New York City Department of Consumer Affairs, the New York City Council, and the New York State Assembly.

12. I am recognized as a national expert on consumer law, and have been invited to participate in trainings and conferences conducted by the National Consumer Law Center, the Practicing Law Institute, NACA, the New York State Bar Association, the Federal Trade Commission, and the Consumer Financial Protection Bureau, among others.

13. I have been quoted in the media about consumer related issues, including in The New York Times, American Banker, and The New York Law Journal among other media outlets.

14. From 2011 to 2022 I also taught a consumer law externship seminar as an adjunct law professor at Cardozo Law School.

15. In September 2012, the New York County Lawyers' Association honored me for my legal services work with a Public Service Award, in October 2012, NACA honored me for my consumer justice work with the Consumer Advocate Award, and in 2016, the National Consumer Law Center honored me with its Rising Star Award.

16. As set forth above, I regularly litigate in federal court.

17. Accordingly, I am familiar with the billing rates and practices of attorneys handling

complex federal cases in the Southern District of New York.

18. Perhaps most pertinent to the fee application in this case is my and MFJ's experience with the Fair Debt Collection Practices Act ("FDCPA"), and the hourly rate we used in support of our lodestar cross-check for reasonableness in the FDCPA class action *Sykes v. Mel S. Harris, LLC*, 1:09-cv-08486-DC (SDNY). After we obtained a favorable decision on defendants' motion to dismiss, 757 F. Supp. 2d 413, 418 (S.D.N.Y. 2010), we obtained class certification, 285 F.R.D. 279, 282 (S.D.N.Y. 2012), and that certification was upheld by the Second Circuit, 780 F.3d 70 (2d Cir. 2015). We then settled the matter; preliminary approval, 2015 WL 9165601 (S.D.N.Y. Nov. 16, 2015), then final approval, 2016 WL 3030156 (S.D.N.Y. May 24, 2016), were both granted.

19. The hourly rates I and MFJ used in calculating our lodestar to cross-check the reasonableness of our fee request in *Sykes* was as follows:

| Attorney (year JD awarded) | Hours | Rate | Total |
|----------------------------|--------|-------|-----------|
| Carolyn E. Coffey (2004) | 650.12 | \$450 | \$292,554 |
| Andrew Goldberg (1984) | 37.6 | \$550 | \$20,680 |
| Anamaria Segura (2007) | 194.9 | \$350 | \$68,215 |

| | | | |
|---------------------------|----------------|-------|---------------------|
| Ariana Lindermayer (2010) | 201.8 | \$350 | \$70,630 |
| MFY Interns | 21.3 | \$175 | \$3,727.50 |
| Total | 1105.72 | | \$455,806.50 |

20. The hourly rate I and MFJ submitted in *Sykes* was reasonable and within or below the prevailing rates charged and awarded in similar fee shifting cases in the SDNY, including FDCPA cases.

21. In *Sykes*, the Hon. Denny Chin granted our application for attorney fees in full, after concluding that “[t]he lodestar cross-check further supports Class Counsel’s fee request. *Id.* at *16.

22. I have known Ms. Miller since 2013, when she was employed as an associate attorney at Law Office of Brian Bromberg, P.C. Before she moved from New York City in 2015, she was a frequent participant at our bi-monthly New York Consumer Advocates Task Force meetings. She is a member of NACA, and we have interacted frequently at the National Consumer Law Center’s annual conferences. I have collaborated with Ms. Miller on federal civil cases and have reviewed her work, and know her to be a highly skilled, seasoned, and successful attorney.

23. Based on my education, training and experience, it is my opinion that a reasonable hourly rate for Ms. Miller’s time in this case is \$375. These fees are customary in the Southern District of New York for an attorney with her level of experience, reputation, and ability, considering the nature of the controversy, the time limitations imposed, and the results obtained in this case.

24. As an active member of the consumer protection bar with knowledge of the range of results in these types of cases, I can say that obtaining a consent judgment of \$120,000 plus attorney's fees in an FCRA impermissible credit pull case is an excellent outcome.

Dated: New York, NY
December 22, 2024

/s/ Carolyn E. Coffey

Carolyn E. Coffey